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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/306,519 05/06/99 SIAS

R 11408

EXAMINER

QM01/0619

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ZEPHYR COVE NV 89448

WARDER, G

ART UNIT

PAPER NUMBER

3749

DATE MAILED:

06/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/306,519	SIAS ET AL.	
	Examiner	Art Unit	
	Greg T. Warder	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13-15, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 4 and 12 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Caputo et al. Caputo et al. shows a sterilization chamber for products such as organic polymer articles comprising an enclosure 4 having a gas filled interior, a support for supporting the articles, a source 10, 12, 14 of gaseous cleaning agent to introduce a gaseous flow into the interior of the enclosure to contact and flow past the articles, and an exhaust port 42 to receive the gaseous flow after it has passed by the articles (see column 3, lines 42-45 and column 7, lines 28-34). Caputo et al. also shows the gaseous flow can include a vaporized cleaning agent such as hydrogen peroxide, and an ionized plasma source can be disposed within the enclosure 4 to create a weakly ionized plasma in the atmosphere adjacent to the articles support (see column 1, lines 13-23 and column 7, lines 40-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caputo et al. in view of De Guzman. Caputo et al. describes all of the elements of the claimed invention, except it does not describe a form that receives an article thereon, and a source of gaseous pressure to inflate the article. De Guzman teaches an inflation apparatus for clean room garments of elastomeric or other type materials, wherein said garments are inflated while on a user in order to remove folds in the material and aid cleaning gasses in removing particles on the garment (see column 1, lines 43-67 and column 2, lines 1-18 and 42-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sterilization chamber of Caputo et al. to include inflation means as taught by De Guzman in order to better remove contamination from the articles.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caputo et al. in view of Elledge et al. Caputo et al. describes all of the elements of the claimed invention, except it does not describe a rest upon which a person wearing a glove to be cleaned may position the glove at the article support location. Elledge et al. teaches a cleaning chamber with glove ports for easy access by a user wearing gloves (see column 6, lines 5-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sterilization chamber of Caputo et al. to include glove ports as taught by Elledge et al. in order to allow a user to easily access the enclosure and clean their gloves while still wearing them.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caputo et al. in view of Jacob. Caputo et al. describes all of the elements of the claimed invention, except it does not expressly describe treating an article in the form of a glove. Jacob teaches a sterilization

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chamber for treating disposable materials such a gloves (see column 1, lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the sterilization chamber of Caputo et al. could be used to treat elastomeric gloves as taught by Jacob. This would provide contaminate free gloves for use in critical processes.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caputo et al. in view of Koderia et al. Caputo et al. describes all of the elements of the claimed invention, except it does not describe a microorganism sterilizer in the enclosure. Koderia et al teaches an apparatus for cleaning and sterilizing materials wherein atomized hydrogen peroxide is used in combination with a UV light source to sterilize and dry a material (see column 1, lines 58-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sterilization chamber of Caputo et al. to include a UV sterilization device as taught by Koderia et al. This would provide an effective method of sterilization and removal of excess cleaning material.

8. Claims 2, 10, 14, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caputo et al. in view of Park et al. Caputo et al. describes all of the elements of the claimed invention, except it does not include a particle counter that measures particles in the gaseous flow after it has passed by the articles. Park et al. teaches an apparatus which counts contamination particles in the gas flow from a semiconductor manufacturing unit and correlates the measurement with another quantity to control contamination in the process (see column 1, lines 20-52 and column 2, lines 8-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sterilization chamber of Caputo et al. to include a particle counting apparatus as taught by Park et al. in order to measure

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contamination within the gas flow from the chamber. This would allow analysis of the process for control of contamination.

9. In view of the operation of the above modified apparatus, the method steps presented in claims 20 and 21 are deemed to be clearly encompassed by the subject matter presented in the prior art of Caputo et al. in view of Park et al.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caputo et al. in view of Park et al. as applied to claims 2, 10, 14, 20 and 21 above, and further in view of Jacob. Caputo et al., as modified, describes all of the elements of the claimed invention, except it does not expressly describe treating an article in the form of a glove. Jacob teaches a sterilization chamber for treating disposable materials such a gloves (see column 1, lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the sterilization chamber of Caputo et al. in view of Park et al. could be used to treat elastomeric gloves as taught by Jacob. This would provide contaminate free gloves for use in critical processes.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caputo et al. in view of Park et al. as applied to claims 2, 10, 14, 20 and 21 above, and further in view of De Guzman. Caputo et al., as modified, describes all of the elements of the claimed invention, except it does not describe a form that receives an article thereon, and a source of gaseous pressure to inflate the article. De Guzman teaches an inflation apparatus for clean room garments of elastomeric or other type materials, wherein said garments are inflated while on a user in order to remove folds in the material and aid cleaning gasses in removing particles on the garment (see column 1, lines 43-67 and column 2, lines 1-18 and 42-44). Therefore, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the sterilization chamber of Caputo et al. in view of Park et al. to include inflation means as taught by De Guzman in order to better remove contamination from the articles.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caputo et al. in view of Park et al. as applied to claims 2, 10, 14, 20 and 21 above, and further in view of Koderia et al. Caputo et al., as modified, describes all of the elements of the claimed invention, except it does not describe a microorganism sterilizer in the enclosure. Koderia et al. teaches an apparatus for cleaning and sterilizing materials wherein atomized hydrogen peroxide is used in combination with a UV light source to sterilize and dry a material (see column 1, lines 58-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the sterilization chamber of Caputo et al. in view of Park et al. to include a UV sterilization device as taught by Koderia et al. This would provide an effective method of sterilization and removal of excess cleaning material.

Allowable Subject Matter

13. Claims 4 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 16-19 are allowed.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. The following patents are cited to further show the state of the art in general:

Auckerman shows a drying device for elastomeric gloves with a form for the glove and a gas source to inflate the interior.

Moulton et al. shows a plasma sterilization chamber that uses vaporized hydrogen peroxide or other cleaning agents to assist in the process.

Rich et al. and Karr show devices for inflating elastomeric gloves to apply and remove said gloves without contamination.

Jacobs et al. shows a hydrogen peroxide plasma sterilization system describing the additional use of UV light to improve sterilization.

Homsy et al. shows a method of treating an elastomeric glove by applying gas to it in a process chamber.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg T. Warder whose telephone number is (703) 305-0537. The examiner can normally be reached on M-F (7:30-5:00) First Friday Off.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Ferensic can be reached on (703) 308-2597. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7764.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

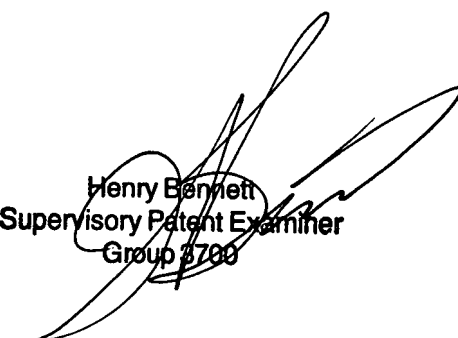
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GTW

June 11, 2001



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